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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,486	10/07/2003	Sami Pienimaki	061715-0391	4042
30542	7590	07/09/2007		
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER NGUYEN, KHOI	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,486	<b>Applicant(s)</b> PIENIMAKI ET AL.	
	<b>Examiner</b> Khoi Nguyen	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's cancellation of claims (3-4) and amended claims 1, 5-7, 9-10, and 12 has been fully considered and is entered.

### ***Response to Arguments***

2. Applicant's arguments filed 04/05/2007 have been fully considered but they are not persuasive. Applicants argued that the combination of Wu nor Subramaniam disclose or suggest an access control point with the characteristic of enforcing application corresponding to the Inter access request of the user terminal to switch their traffic to an encrypting security service port and examiner must rely on some evidentiary support, e.g., some suggestion or motivation in order to avoid the prior art combination constituting impermissible hindsight reasoning. Examiner respectfully disagrees with applicant's remarks. With regard to 35 USC 103(a) rejection, examiner's rejections stand because the Wu reference discloses an control point with Inter access request of the user terminal (Fig. 2, Access point 14, 16, 18 and 22, [0003]: lines 5-7). Wu reference lacks of enforcing application corresponding to the Inter access request of the user terminal to switch their traffic to an encrypting security service port. Subramaniam discloses enforcing application corresponding to the Inter access request of the user terminal to switch their traffic to an encrypting security service port (col. 4: lines 5-15). In particular, the web application in the Subramanian reference was forced

to convert the normal http protocol to https, which is a secured protocol to communicate over the Internet.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, by combining the Wu and Subramanian references to provide a user who is presently at a client outside the perimeter of a secure network with convenient, efficient, and secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

With regard to independent claims 7 and 10, they are rejected on the same ground as independent claim 1 described above.

With regard to dependent claims 2, 5-6, 8-9, and 11-12, the examiner's rejections stand since the applicant's arguments for their independent claims are not persuasive.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-12 are rejected under 35 U.S.C 103(a) as being unpatentable over Wu et al. (US. PGPub No. 2004/0203783), hereafter "Wu" in view of Subramaniam et al. (US Pat. No. 6081900), hereafter "Subramaniam"

***Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.***

5. With regard to claim 1, Wu discloses a method of enforcing encryption on a public wireless local area network comprising:

Wirelessly connecting a user terminal at an access point (Fig. 2, Access point 14, 16, 18, and 22, [0003], lines 5-7).

Initiating an authentication, authorization and accounting procedure for the user terminal by an access control point for controlling access to the public wireless local area network ([0026]: lines 1-11).

Accessing to an application via the Internet by the user terminal ([0024]: lines 5-12)

Providing an Internet access gateway functionality by the access control point ([0003], lines 5-7)

Wu, however, fails to disclose enforcing the applications to switch their traffic to an encrypting security service port by the access control point.

On the other hand, Subramaniam discloses enforcing the applications to switch their traffic to an encrypting security service port by the access control point (col. 4, lines 5-10; col. 7: lines 12-21, the redirection server returns the https couple with port 443 which is a secure socket layer port to external terminal to access protected data reads on enforcing the applications to switch their traffic to an encrypting security service port by the access control point).

It would; therefore, have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Wu and teaching of Subramaniam and would be motivated to provide a user who is presently at a

client outside the perimeter of a secure network with convenient, efficient, and secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

6. With regard to claim 7, Wu discloses a system for enforcing encryption on a public wireless local area network comprising: a user terminal (Fig. 1, [0023], lines 7-8), and a public wireless local area network ([0023], lines 12-15) which comprises:

An access point configured to wirelessly connect the user terminal (Fig. 2, Access point 14, 16, 18, and 22, [0003], lines 5-7).

An access point control point configured to control access to the public wireless local area network (Fig. 2, Access point 14, 16, 18, and 22, [0003], lines 5-7), to initiate an authentication, authorization and accounting procedure for the user terminal ([0026]: lines 1-11), to provide an Internet access gateway functionality ([0003], lines 5-7).

Wu does not disclose to enforce an application accessed by the user terminal via the Internet to switch its traffic to an encrypting security service port. (Col. 7: lines 12-21)

Subramaniam discloses to enforce an application accessed by the user terminal via the Internet to switch its traffic to an encrypting security service port. (Col. 7: lines 12-21).

It would; therefore, have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Wu and teaching of Subramaniam and would be motivated to provide a user who is presently at a client outside the perimeter of a secure network with convenient, efficient, and secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

7. With regard to claim 10, Wu discloses a network element (abstract) configured to

Control access to a public wireless local area network (Fig. 2, Access point 14, 16, 18, and 22, [0003], lines 5-7).

Initiate an authentication, authorization and accounting procedure for a user terminal ([0026]: lines 1-11).

Provide an Internet access gateway functionality ([0003], lines 5-7)



Wu does not disclose enforce an application access to by the user terminal via the Internet to switch its traffic to an encrypting security service port.

Subramaniam discloses enforce an application access to by the user terminal via the Internet to switch its traffic to an encrypting security service port. (Col. 7: lines 12-21).

It would; therefore, have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Wu and teaching of Subramaniam and would be motivated to provide a user who is presently at a client outside the perimeter of a secure network with convenient, efficient, and secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

8. With regard to claims 2, 8, and 11, Wu does not disclose the encrypting security service is the secure sockets layer or the transport layer security.

On the other hand, Subramaniam discloses the encrypting security service is the secure sockets layer or the transport layer security (col. 7, lines 12-23).

It would; therefore, have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Wu and teaching of Subramaniam and would be motivated to provide a user who is presently at a

client outside the perimeter of a secure network with convenient, efficient, and secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

9. With regard to claims 5, 9, and 12, Wu discloses retrieving information by the access control point from RADIUS messages ([0043], lines 4-8, it is well known that RADIUS is a component of an AAA system; thus a handoff WEP key between AAAF and access points reads on RADIUS message receive by the access control point) whether a user terminal does not use an 802.11i encryption ([0042], lines 3-6, handoff message mainly uses WEP as an encryption; thus it reads on user terminal does not use an 802.11i encryption).

Wu, however does not disclose performing the enforcing to the application if it is accessed by such a user terminal.

On the other hand, Subramaniam discloses performing the enforcing to the application if it is accessed by such a user terminal (col. 7: lines 12-21).

It would; therefore, have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Wu and teaching of Subramaniam and would be motivated to provide a user who is presently at a client outside the perimeter of a secure network with convenient, efficient, and

secure access to data stored on a sever located within the secure network (col. 3: lines 3-6).

10. With regard to claim 6, Wu does not discloses the application can be one of a group comprising the hypertext transfer protocol for browsing the internet, the Internet message access protocol 4, the post office protocol 3, and the simple mail transfer protocol.

On the other hand, Subramaniam discloses the application can be one of a group comprising the hypertext transfer protocol for browsing the internet, the Internet message access protocol 4, the post office protocol 3, and the simple mail transfer protocol (col. 5 lines 5-7).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US. PGPub. No 2003/0046587 to Bheemarasetti et al. (Discloses a secure remote access using enterprise network through tunneled to HTML that passes through firewall).
- b. US. PGPub. No 2002/0009199 to Al-Laurila et al. (Discloses data ciphering in a wireless telecommunication system through using multiple ciphering keys).

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- c. US. PGPub No. 2003/0119481 to Haverinen et al. (Discloses arrangement roaming in a telecommunication system).
- d. US. PGPub No. 2003/0095663 to Nelson et al. (Discloses enhanced security method in a WLAN).

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

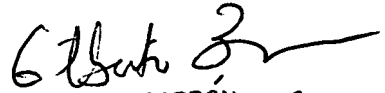
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi Nguyen whose telephone number is 570-270-1251. The examiner can normally be reached on Mon-Fri (8:30 am – 5:00 pm est) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khoi Nguyen  
Art Unit 2132  
Date: 6/28/07

  
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